

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

LUIS OQUENDO-FIGUEROA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 04-2104 (JAF)

Civil No. 04-2144 (JAF)

(Criminal No. 00-048)

**ORDER**

Petitioner, Luis Oquendo-Figueroa, requests a certificate of appealability from this court to appeal our dismissal on June 7, 2005, of his 28 U.S.C. § 2255 petition. See 28 U.S.C. § 2253(c)(2) (1996).

A certificate of appealability may be granted only upon a substantial showing of the denial of a constitutional right. 28 U.S.C. §§ 2253(c)(2) and (3) (1996). Upon reviewing the record, we find Petitioner's claim entirely insubstantial for the reasons stated in our Opinion and Order of June 7, 2005, Docket Document No. 13. Accordingly, we **DENY** Petitioner's request for a certificate of appealability, Docket Document No. 17.

**IT IS SO ORDERED.**

San Juan, Puerto Rico, this 23<sup>rd</sup> day of September, 2005.

S/José Antonio Fusté  
JOSE ANTONIO FUSTE  
Chief U. S. District Judge